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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California
15 Corporation,

16 Plaintiff,

17 v.

18 NATIONAL STORES, INC., individually
19 and d/b/a "FALLAS DISCOUNT STORES,"
20 a California Corporation; STRETCH-O-
21 RAMA, INC., individually and d/b/a
22 "LONGSTREET," a New York Corporation
23 and DOES 1 through 10,
24 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

25 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to
26 this honorable Court for relief based on the following:
27
28

1 or have engaged in one or more of the wrongful practices alleged herein. The true
2 names, whether corporate, individual or otherwise, of Defendants 1 through 10,
3 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
4 by such fictitious names, and will seek leave to amend this Complaint to show their
5 true names and capacities when same have been ascertained.

6 8. Plaintiff is informed and believes and thereon alleges that at all times
7 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
8 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
9 at all times acting within the scope of such agency, affiliation, alter-ego relationship
10 and/or employment; and actively participated in or subsequently ratified and/or
11 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
12 circumstances, including, but not limited to, full knowledge of each violation of
13 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

14 **CLAIMS RELATED TO DESIGN NO. 61453**

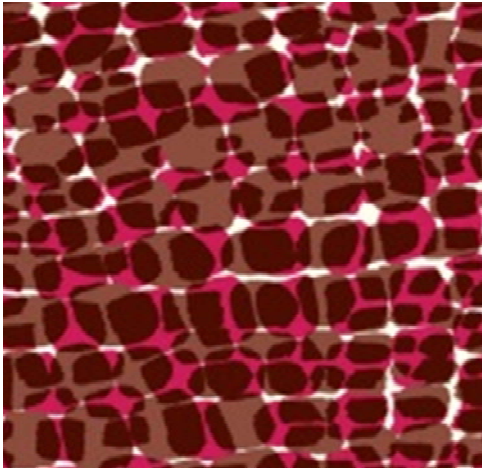
15 9. Plaintiff owns an original two-dimensional artwork used for purposes of
16 textile printing entitled 61453 ("Subject Design A") which has been registered with
17 the United States Copyright Office.

18 10. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
19 bearing Subject Design A to numerous parties in the fashion and apparel industries.

20 11. Plaintiff is informed and believes and thereon alleges that following its
21 distribution of Subject Design A, NATIONAL, STRETCH, DOE Defendants, and
22 each of them distributed and/or sold fabric and/or garments featuring a design which
23 is substantially similar to Subject Design A (hereinafter "Subject Product A")
24 without Plaintiff's authorization, including but not limited to products sold by
25 NATIONAL under Product I.D. 2112795 and bearing the label "pinkhouse" and RN
26 59123, indicating that it was manufactured by or for STRETCH.

1 12. An image of Subject Design A and an exemplar of Subject Product A are
2 set forth hereinbelow:

3 **Subject Design A**



Subject Product A



12
13 **CLAIMS RELATED TO DESIGN NO. 61931**

14 13. Plaintiff owns an original two-dimensional artwork used for purposes of
15 textile printing entitled 61931 (“Subject Design B”) which has been registered with
16 the United States Copyright Office.

17 14. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
18 bearing Subject Design B to numerous parties in the fashion and apparel industries.

19 15. Plaintiff is informed and believes and thereon alleges that following its
20 distribution of Subject Design B, NATIONAL, DOE Defendants, and each of them,
21 manufactured, distributed, and/or sold fabric and/or garments comprised of fabric
22 featuring a design which is identical, or substantially similar, to Subject Design B
23 (hereinafter “Subject Product B”) without Plaintiff’s authorization, including but not
24 limited to products sold by NATIONAL under Product I.D. 1846823 and bearing the
25 label “jonathan martin” and RN 107514, indicating that it was manufactured by or
26 for NATIONAL.

1 16. An image of Subject Design B and an exemplar of Subject Product B are set
2 forth hereinbelow:

3 **Subject Design B**



Subject Product B



13
14 **FIRST CLAIM FOR RELIEF**

15 (For Copyright Infringement - Against All Defendants, and Each)

16 17. Plaintiff repeats, realleges and incorporates herein by reference as though
17 fully set forth the allegations contained in the preceding paragraphs of this
18 Complaint.

19 18. Plaintiff is informed and believes and thereon alleges that Defendants, and
20 each of them, had access to Subject Designs A and B (collectively, "Subject
21 Designs"), including, without limitation, through (a) access to Plaintiff's showroom
22 and/or design library; (b) access to illegally distributed copies of Subject Designs by
23 third-party vendors and/or DOE Defendants, including without limitation
24 international and/or overseas converters and printing mills; (c) access to Plaintiff's
25 strike-offs and samples, and (d) access to garments in the marketplace manufactured
26 with lawfully printed fabric bearing Subject Designs.

- a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff’s copyrights in Subject Designs;
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys’ fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: January 4, 2016

DONIGER/BURROUGHS

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Howard S. Han, Esq.
Attorneys for Plaintiff